

## REMARKS

Claims 1-22, 40-45, and 76-86 are pending in the application. Claims 5, 11, 16, 22, 45, 81, and 86 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

### I. REJECTIONS OF CLAIMS 5, 11, 16, 22, 45, 81, AND 86 UNDER 35 U.S.C. §§ 112 AND 101

Claims 5, 11, 16, 22, 45, 81, and 86 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and under 35 U.S.C. § 101, as being improper process claims.

Claims 5, 11, 16, 22, 45, 81, and 86 have been amended to address the Examiner's concerns. Since the claims no longer have the language pointed out by the Examiner, these claims are now believed to be definite, and proper computer program product claims. Withdrawal of the rejections is respectfully requested.

### II. REJECTIONS OF CLAIMS 1-8, 10, AND 11 UNDER 35 U.S.C. § 102(a)

Claims 1-8, 10, and 11 stand rejected under 35 U.S.C. § 102(a) as being anticipated by CAPS Logistics Inc., PR Newswire ("CAPS"). The rejections are respectfully traversed for at least the following reasons.

The present invention defined in claims 1-8, 10, and 11 relates to methods for generating a bid for a shipper load, methods for bidding on a plurality of shipper loads, and computer program products for performing these methods.

Independent claim 1 requires "selecting a plurality of units of capacity, assigning a group identifier to the plurality of units of capacity, and generating a bid for the shipper load using the group identifier." In essence, one of the aspects of the invention defined in claim 1 relates to aggregating "units of capacity" of carriers in order to "generat[e] a bid for a shipper load" by "assigning a group identifier to the ... units of capacity" of carrier. Independent claim 5 contains recitations similar to those of claim 1.

The CAPS reference describes a conventional bid process in general. In the Office Action, the Examiner cited categories, such as "air, ground, water," and "bundle lane bids" as describing the claimed "group identifier" of claim 1. However, both the categories and the bundle lane bids cited by the Examiner correspond to shipper requirements, not units of carrier capacity. For example, the CAPS system organizes transportation requirements (i.e., air, ground, or water) of the shipper (page 1, lines 12-19). At lines 45-46 of page 1, CAPS describes

shipping lanes as transportation requirements of the shipper. Thus, any bundling of lanes, e.g., a bundled lane bid, does not, by definition refer to a grouping of units of carrier capacity.

Importantly, the CAPS system is primarily concerned with these shipper requirements. See, for example, “BidPro Assists Shippers in Selecting ...” (page 1, lines 12), “Shipping companies can use BidPro to organize their ... transportation requirements ...” (page 1, lines 15-17), and “BidPro helps shippers analyze ...” (page 1, lines 53-55).

Only one portion of CAPS mentions how a bid is generated, i.e., carriers fill in the worksheets of Excel Data Input Template with their bids (page 1, lines 49-50). However, this portion again fails to describe anything about aggregating units of carrier capacity to bid on a shipper load. Therefore, CAPS, which is concerned merely with shipper requirements, cannot be said to anticipate the claimed features of claim 1, i.e., assigning a group identifier to units of carrier capacity, and generating a bid for the shipper load using the group identifier. The same arguments apply to claim 5.

Independent claim 6 requires “generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity.” In summary, one aspect of the invention of claim 6 relates to “generating a plurality of bids corresponding to the plurality of shipper loads,” each of which “correspond[s] to a same unit of capacity” of a carrier. Independent claim 11 contains recitations similar to those of claim 6.

In a similar manner as discussed above in connection with claim 1, CAPS is not concerned with generating bids corresponding to shipper loads as claimed. Rather, the CAPS system assists shippers by using shipper requirements. In addition, CAPS does not teach or suggest the features recited in claim 6 because CAPS fails to disclose a specific relationship between each of a plurality of bids, and the corresponding unit of capacity. CAPS does not even mention a unit of capacity in any way. As such, CAPS does not affect the patentability of claims 6 and 11.

For at least the reasons set forth above, independent claims 1, 5, 6, and 11, and their dependent claims are believed to be allowable over CAPS. Withdrawal of the rejections is respectfully requested.

### **III. REJECTIONS OF CLAIMS 76-86 UNDER 35 U.S.C. § 102(a)**

Claims 76-86 stand rejected under 35 U.S.C. § 102(a) as being anticipated by GoLogistics.com, “New Internet Start-up will Match Empty Space of LTL Carriers with Shipper seeking Cost Savings,” PR Newswire (“GoLogistics”). The rejections are respectfully traversed for at least the following reasons.

The invention defined in claims 76-86 relates to methods and computer program products for responding to bids for a shipper load. Specifically, independent claims 76 requires "where the bid price is less than or equal to the automatic acceptance price, automatically accepting the bid on behalf of the shipper." Independent claims 82 requires "where the bid price is less than or equal to the automatic notify price, automatically notifying the shipper representative regarding the bid." Independent claims 81 and 86 contain recitations similar to those of claims 76 and 82, respectively.

GoLogistics relates to a system for selecting the best carrier who meets the shipper's price criteria (GoLogistics, lines 50-60). The Examiner asserts that the above-identified features recited in claims 76, 81, 82, and 86 are disclosed at page 1, lines 50-60; and page 2, lines 18-25, and lines 65-68 of GoLogistics. However, these portions in fact do not suggest the claimed features in any way.

Regarding the automatic acceptance recited in claims 76 and 81, the GoLogistics system "pulls three best prices" for the shipper's choice (page 3, lines 4-6). In GoLogistics, it is the shipper that accepts one of these three best prices, not the system itself. In other words, the GoLogistics system is not capable of accepting any bid. Rather, the system merely forwards multiple prices to the shipper without accepting any of them.

By contrast, claims 76 and 81 require that the system automatically accept the bid on behalf of the shipper if the bid price is less than or equal to the automatic acceptance price. Nothing in GoLogistics suggests such an automatic acceptance as recited in claims 76 and 81. Thus, GoLogistics does not have a negative impact on the patentability of claims 76 and 81, and their dependent claims.

Similarly, regarding claims 82 and 86, GoLogistics fails to teach or suggest the claimed aspects of the invention, i.e., "posting the shipper load ... having an automatic notify price," and "where the bid price is less than or equal to the automatic notify price, automatically notifying the shipper representative regarding the bid." Nothing in GoLogistics suggests use of the claimed "automatic notify price" and the claimed automatic notification using the "automatic notify price." GoLogistics is simply not concerned with automatic notification because the shipper itself makes the carrier choice in GoLogistics (page 3, lines 4-7). Thus, GoLogistics does not need automatic notification which is triggered by a certain condition as claimed. Therefore, GoLogistics cannot be said to anticipate the invention of claims 82 and 86, and their dependent claims.

For at least the reasons set forth above, GoLogistics does not anticipate claims 76-86. Withdrawal of the rejections is respectfully requested.

#### **IV. REJECTIONS OF CLAIMS 9 AND 12-22 UNDER 35 U.S.C. § 103(a)**

Claims 9 and 12-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over CAPS. The rejections are respectfully traversed for at least the following reasons.

Claim 9 is believed to be allowable for at least the reasons set forth above in connection with claim 6. In addition, claim 9 requires “in response to acceptance by a shipper representative of one of the plurality of bids, making all others of the plurality of bids unavailable.” As the Examiner concedes in the Office Action, CAPS does not specifically disclose the features recited in claim 9.

The Examiner states that it is well known in the art that making all others of the plurality of bids unavailable upon accepting one. However, Applicants have no means to confirm the accuracy of these statements. If the Examiner is relying on this supposed “well known” principle, Applicants respectfully request that he cite a relevant reference so that Applicants can assess the patentability of the pending claims. Only with such references in hand can Applicants make a meaningful assessment of whether the prior art teaching of such features can be properly combined with other prior art relevant to the claims.

The invention defined in claims 12-22 relates to methods and computer program products for bidding on a plurality of shipper loads. Independent claim 12 requires “where one of the plurality of bids is accepted, making all others of the plurality of bids unavailable.” Independent claim 17 requires “when the currently unavailable unit of capacity becomes available, updating the bid to a current bid.” Independent claims 16 and 22 contain recitations similar to those of claims 12 and 17, respectively.

As the Examiner concedes in the Office Action, CAPS does not specifically disclose the features recited in claims 12 and 17. In rejecting claims 12 and 16, the Examiner relies on the supposed “well known” principle as discussed above in connection with claim 9. Again, Applicants respectfully request that he cite a relevant reference so that Applicants can assess the patentability of the pending claims. Otherwise, withdrawal of the rejections is respectfully requested.

#### **V. REJECTIONS OF CLAIMS 40-45 UNDER 35 U.S.C. § 103(a)**

Claims 40-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Collaborative Logistics Exchange, “Descartes Announces Collaborative Logistics Exchange ...,” Business Wire (“CLE”). The rejections are respectfully traversed for at least the following reasons.

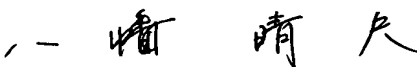
The invention defined in claims 40-45 relates to methods and a computer program product for presenting information regarding a bid entered against a particular shipper load. Independent claim 40 requires "communicating a number of shipper loads against which the particular carrier capacity is currently bid." Independent claim 45 contains recitations similar to those of claim 40.

As the Examiner concedes in the Office Action, CLE does not specifically disclose the features recited in claims 40. In rejecting claims 40, the Examiner again relies on the supposed "well known" principle as discussed above in connection with claim 9. Applicants respectfully request that he cite a relevant reference so that Applicants can assess the patentability of the pending claims. Otherwise, withdrawal of the rejections is respectfully requested.

## **VI. CONCLUSION**

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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**APPENDIX -- VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claims 5, 11, 16, 22, 45, 81, and 86 have been amended as follows:

5. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing [the method of claim 1] a method for generating a bid for a shipper load in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

selecting a plurality of units of capacity;

assigning a group identifier to the plurality of units of capacity; and

generating a bid for the shipper load using the group identifier.

11. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing [the method of claim 6] a method for bidding on a plurality of shipper loads in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity.

16. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing [the method of claim 12] a method for bidding on a plurality of shipper loads in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity; and

where one of the plurality of bids is accepted, making all others of the plurality of bids unavailable.

22. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing [the method of claim 17] a method for generating a bid for a shipper load in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

generating the bid for the shipper load designating a currently unavailable unit of capacity, the bid being identified as a future bid; and

when the currently unavailable unit of capacity becomes available, updating the bid to a current bid.

45. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing [the method of claim 40] a method for presenting information regarding a bid entered against a particular shipper load in a system for matching carrier capacities with shipper loads via a wide area network, the bid corresponding to a particular carrier capacity, the method comprising communicating a number of shipper loads against which the particular carrier capacity is currently bid.

81. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing [the method of claim 76] a method for responding to bids for a shipper load corresponding to a shipper in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

posting the shipper load on the system, the shipper load having an automatic acceptance price associated therewith specified by a shipper representative, the automatic acceptance price being a monetary value at and below which automatic acceptance is authorized;

receiving a bid for the shipper load specifying a bid price; and

where the bid price is less than or equal to the automatic acceptance price, automatically accepting the bid on behalf of the shipper.

86. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing [the method of

claim 82] a method for responding to bids for a shipper load corresponding to a shipper in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

posting the shipper load on the system, the shipper load having an automatic notify price associated therewith specified by a shipper representative, the automatic notify price being a monetary value at and below which automatic notification of the shipper representative is authorized;

receiving a bid for the shipper load specifying a bid price; and

where the bid price is less than or equal to the automatic notify price, automatically notifying the shipper representative regarding the bid.



**APPENDIX -- CLEAN VERSION OF PENDING CLAIMS**

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1. In a system for matching carrier capacities with shipper loads via a wide area network, a method for generating a bid for a shipper load, comprising:

selecting a plurality of units of capacity;

assigning a group identifier to the plurality of units of capacity; and

generating a bid for the shipper load using the group identifier.

2. The method of claim 1 wherein the units of capacity correspond to equipment identifiers defined by a carrier representative.

3. The method of claim 2 wherein the equipment identifiers correspond to at least one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity.

4. The method of claim 1 wherein generating a bid comprises generating a plurality of bid entries, each of the bid entries corresponding to one of the units of capacity.

5. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing a method for generating a bid for a shipper load in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

selecting a plurality of units of capacity;

assigning a group identifier to the plurality of units of capacity; and

generating a bid for the shipper load using the group identifier.

6. In a system for matching carrier capacities with shipper loads via a wide area network, a method for bidding on a plurality of shipper loads, comprising generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity.

7. The method of claim 6 wherein the same unit of capacity corresponds to an equipment identifier defined by a carrier representative.

8. The method of claim 7 wherein the equipment identifier corresponds to at least one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity.

9. The method of claim 6 further comprising, in response to acceptance by a shipper representative of one of the plurality of bids, making all others of the plurality of bids unavailable.

10. The method of claim 6 wherein the same unit of capacity comprises a group comprising a plurality of units of capacity.

11. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing a method for bidding on a plurality of shipper loads in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity.

12. In a system for matching carrier capacities with shipper loads via a wide area network, a method for bidding on a plurality of shipper loads, comprising:

generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity; and

where one of the plurality of bids is accepted, making all others of the plurality of bids unavailable.

13. The method of claim 12 wherein the same unit of capacity corresponds to an equipment identifier defined by a carrier representative.

14. The method of claim 13 wherein the equipment identifier corresponds to one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity.

15. The method of claim 12 wherein the same unit of capacity comprises a group comprising a plurality of units of capacity.

16. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing a method for bidding on a plurality of shipper loads in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity; and

where one of the plurality of bids is accepted, making all others of the plurality of bids unavailable.

17. In a system for matching carrier capacities with shipper loads via a wide area network, a method for generating a bid for a shipper load, comprising:

generating the bid for the shipper load designating a currently unavailable unit of capacity, the bid being identified as a future bid; and

when the currently unavailable unit of capacity becomes available, updating the bid to a current bid.

18. The method of claim 17 wherein the currently unavailable unit of capacity corresponds to an equipment identifier defined by a carrier representative.

19. The method of claim 18 wherein the equipment identifier corresponds to one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity.

20. The method of claim 17 wherein the currently unavailable unit of capacity comprises a group comprising a plurality of units of capacity.

21. The method of claim 17 further comprising:

generating additional bids for other shipper loads designating the currently unavailable unit of capacity, the additional bids being identified as additional future bids; and

when the currently unavailable unit of capacity becomes available, updating the additional bids to a additional current bids.

22. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing a method for generating a bid for a shipper load in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

generating the bid for the shipper load designating a currently unavailable unit of capacity, the bid being identified as a future bid; and

when the currently unavailable unit of capacity becomes available, updating the bid to a current bid.

40. In a system for matching carrier capacities with shipper loads via a wide area network, a method for presenting information regarding a bid entered against a particular shipper load, the bid corresponding to a particular carrier capacity, the method comprising communicating a number of shipper loads against which the particular carrier capacity is currently bid.

41. The method of claim 40 wherein the particular unit of capacity corresponds to an equipment identifier defined by the carrier representative.

42. The method of claim 41 wherein the equipment identifier corresponds to one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity.

43. The method of claim 40 wherein the particular unit of capacity comprises a group comprising a plurality of units of capacity.

44. The method of claim 40 wherein the information includes a hyperlink, the method further comprising presenting a bid history relating to the particular shipper load in response to selection of the hyperlink.

45. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing a method for presenting information regarding a bid entered against a particular shipper load in a system for matching carrier capacities with shipper loads via a wide area network, the bid corresponding to a particular carrier capacity, the method comprising communicating a number of shipper loads against which the particular carrier capacity is currently bid.

76. In a system for matching carrier capacities with shipper loads via a wide area network, a method for responding to bids for a shipper load corresponding to a shipper, comprising:

posting the shipper load on the system, the shipper load having an automatic acceptance price associated therewith specified by a shipper representative, the automatic acceptance price being a monetary value at and below which automatic acceptance is authorized;

receiving a bid for the shipper load specifying a bid price; and

where the bid price is less than or equal to the automatic acceptance price, automatically accepting the bid on behalf of the shipper.

77. The method of claim 76 wherein posting the shipper load comprises making the shipper load available to a subset of a plurality of system users as determined from information specified by the shipper representative.

78. The method of claim 76 further comprising notifying the shipper representative regarding acceptance of the bid.

79. The method of claim 78 wherein notifying the shipper representative comprises at least one of transmitting an e-mail to the shipper representative, transmitting a pager signal to the shipper representative, and transmitting a message to be displayed using a system interface to the shipper representative.

80. The method of claim 76 wherein the shipper load also has an automatic notify price associated therewith, the automatic notify price being a monetary value at and below which automatic notification of the shipper representative is authorized, the method further comprising automatically notifying the shipper representative regarding the bid where the bid price is less than or equal to the automatic notify price.

81. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing a method for responding to bids for a shipper load corresponding to a shipper in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

posting the shipper load on the system, the shipper load having an automatic acceptance price associated therewith specified by a shipper representative, the automatic acceptance price being a monetary value at and below which automatic acceptance is authorized;

receiving a bid for the shipper load specifying a bid price; and


where the bid price is less than or equal to the automatic acceptance price, automatically accepting the bid on behalf of the shipper.

82. In a system for matching carrier capacities with shipper loads via a wide area network, a method for responding to bids for a shipper load corresponding to a shipper, comprising:

posting the shipper load on the system, the shipper load having an automatic notify price associated therewith specified by a shipper representative, the automatic notify price being a monetary value at and below which automatic notification of the shipper representative is authorized;

receiving a bid for the shipper load specifying a bid price; and

where the bid price is less than or equal to the automatic notify price, automatically notifying the shipper representative regarding the bid.

 83. The method of claim 82 wherein posting the shipper load comprises making the shipper load available to a subset of a plurality of system users as determined from information specified by the shipper representative.

84. The method of claim 82 wherein notifying the shipper representative comprises at least one of transmitting an e-mail to the shipper representative, transmitting a pager signal to the shipper representative, and transmitting a message to be displayed using a system interface to the shipper representative.

85. The method of claim 82 wherein the shipper load also has an automatic acceptance price associated therewith, the automatic acceptance price being a monetary value at and below which automatic acceptance is authorized, the method further comprising automatically accepting the bid on behalf of the shipper where the bid price is less than or equal to the automatic acceptance price.

86. (Amended) A computer program product comprising a computer readable medium having computer program instructions embedded therein for performing a method for responding to bids for a shipper load corresponding to a shipper in a system for matching carrier capacities with shipper loads via a wide area network, the method comprising:

posting the shipper load on the system, the shipper load having an automatic notify price associated therewith specified by a shipper representative, the automatic notify price being a monetary value at and below which automatic notification of the shipper representative is authorized;

receiving a bid for the shipper load specifying a bid price; and

where the bid price is less than or equal to the automatic notify price, automatically notifying the shipper representative regarding the bid.

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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Mr. Haruo Yawata is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Beyer Weaver & Thomas, LLP. to prepare and prosecute patent applications wherein the patent applicant is the client of Beyer Weaver & Thomas, LLP., and the attorney or agent of record in the applications is a registered practitioner who is a member of Beyer Weaver & Thomas, LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Mr. Haruo Yawata ceases to lawfully reside in the United States, (ii) Mr. Haruo Yawata's employment with Beyer Weaver & Thomas, LLP. ceases or is terminated, or (iii) Mr. Haruo Yawata ceases to remain or reside in the United States on an H-1B1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: November 6, 2003**

Harry Moatz,  
Director of Enrollment and Discipline

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